

self aggrieved; and judgment may be by such party recovered upon such action for the damages by him actually sustained, and the plea of *non est factum* shall not be received to any such action, unless the same is verified by the affidavit of the defendant or defendants tendering the same.

SEC. 9. *And be it enacted*, That all sales by the direction of the chancellor under the authority of this act, except in the case where a sale is directed to be made for ready money as aforesaid, shall be made upon such terms and conditions as the chancellor shall determine; and in case any sale shall be made on credit, the chancellor may, upon application of the mortgagee or creditor, direct any bond taken in consequence of such sale to be assigned to such mortgagee or creditor; and the assignee or assignees respectively may sue and maintain actions in their names against the obligor or obligors in such bonds.

Chancellor
may direct
the terms,
&c.

SEC. 10. *And be it enacted*, That in all cases where there hath been, or may hereafter be, an appointment of a trustee or trustees by last will and testament, to execute any trust, and any person interested in the execution of such trust shall make appear to the chancellor, that it is necessary for the safety of those interested in the execution of such trust, that the trustee or trustees should give bond and security for the due execution of the trust, it shall and may be lawful for the chancellor to order and direct that such bond be given by the trustee or trustees, on or before a day by the chancellor to be appointed; and if bond, with such security as may be approved by the chancellor, shall not be given by such trustee or trustees, agreeably to such order, then the chancellor may displace such trustee or trustees, and appoint one or more trustee or trustees in his or their stead, who shall give bond and security, to be approved by the chancellor, for the due execution of the trust; and all bonds taken in virtue of this power shall be made payable to the state, and shall be filed and kept by the register in chancery, and also by him recorded, and upon any breach of the condition, suit may be brought by any person interested, either upon the original bond or a copy of the record, and the plea of *non est factum* shall not be received in such suit, unless it be verified by affidavit of the defendant or defendants.

Trustees to
give bond,
&c.

SEC. 11. *And be it enacted*, That in case any deed hath been or shall hereafter be executed, to the validity of which recording is necessary by law, and such deed hath not been, or shall not be, recorded agreeably to law, without any fraudulent design or intention of the party claiming under such deed, that the chancellor shall have full power and authority, upon application of the party claiming under such deed, and summoning and hearing the party making such deed, his heir, devisee,

Chancellor
may order
deeds to be
recorded,
&c.